

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x ECF CASE

**JASON SILVERSTEIN and JENNIFER
STAMATELOS**, individually and on behalf of others
similarly situated,

Plaintiffs,

v.

ALLIANCEBERNSTEIN L.P.,

Defendant.

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No. 1:09-cv-5904 (JPO)(DCF)

NOTICE OF MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE THAT, upon the Defendant AllianceBernstein L.P.’s Memorandum of Law in Support of Its Motion for Summary Judgment; Defendant AllianceBernstein L.P.’s Local Civil Rule 56.1 Statement of Material Facts as To Which There is No Genuine Issue to Be Tried; the Declaration of Mary E. Ahrens, Esq., together with Exhibits A through CC annexed thereto; and upon all of the papers and proceedings herein, defendant AllianceBernstein L.P. (“Defendant”) will move this Court on a date and time to be set by the Court, before The Honorable J. Paul Oetken, United States District Judge, at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007-1312, for an order dismissing the First Amended Class Action and Collective Action Complaint in its entirety pursuant to Rule 56 of the Federal Rules of Civil Procedure and granting to Defendant such other and further relief as the Court may deem just and proper.

Dated: New York, New York
May 11, 2012

Respectfully submitted,

SEYFARTH SHAW L.P.

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CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2012, I electronically filed the foregoing Notice of Motion for Summary Judgment; Defendant AllianceBernstein L.P.'s Memorandum of Law in Support of Its Motion for Summary Judgment; Defendant AllianceBernstein L.P.'s Local Civil Rule 56.1 Statement of Material Facts as To Which There is No Genuine Issue to Be Tried; and the Declaration of Mary E. Ahrens, Esq., together with Exhibits A through CC annexed thereto, with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to all parties registered to receive notice via that service.

s/ Mary E. Ahrens
Mary E. Ahrens